

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOSHUA BLAND,

Plaintiff,

v.

THE PEOPLE OF THE STATE OF
CALIFORNIA,

Defendant.

No. 1:20-cv-00637-NONE-BAM (PC)

ORDER DISMISSING ACTION WITHOUT
PREJUDICE FOR FAILURE TO PAY FILING
FEE AND FAILURE TO OBEY COURT
ORDER

(Doc. No. 10)

Plaintiff Joshua Bland is a state prisoner proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983.

On May 8, 2020, the assigned magistrate judge issued findings and recommendations recommending that plaintiff's application to proceed *in forma pauperis* be denied and that he be required to pay the \$400.00 filing fee in full to proceed with this action. (Doc. No. 6.) Following the granting of an extension of time to do so, plaintiff filed his objections on June 4, 2020. (Doc. No. 9.)

On August 6, 2020, the undersigned issued an order adopting the findings and recommendations in full and ordering plaintiff to pay the \$400.00 filing fee in full within twenty-one (21) days to proceed with this action. (Doc. No. 10). Plaintiff was warned that if he failed to pay the required filing fee within the specified time, the action would be dismissed without further notice. (*Id.* at 2.)

1 On August 26, 2020, plaintiff filed a motion for an extension of time to pay the filing fee.
2 (Doc. No. 13.) That motion was granted. (Doc. No. 14.) On September 21, 2020, plaintiff filed
3 a request for judicial notice wherein plaintiff argued that the filing fee has been discharged in full
4 by way of a promissory note. Plaintiff states that the promissory note is valid legal tender; he
5 attempts to support this contention with a variety of frivolous arguments which the court declines
6 to summarize herein. (*Id.*)

7 The court has determined that plaintiff is subject to 28 U.S.C. § 1915(g), and that his
8 allegations do not satisfy the imminent danger exception. Therefore, prepayment of the filing fee
9 is required in order to proceed with this action. The court accepts credit card payments, and if
10 credit card payment cannot be made, fees may be paid by check or money order. Local Rule
11 135(g)(4). Promissory notes are not an acceptable method of payment for the required filing fees
12 in this action.

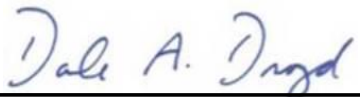
13 The extended deadline to pay the filing fee has expired, and plaintiff has failed to pay the
14 filing fee with a valid method of payment or otherwise indicate his willingness to comply with the
15 court's order. Based on plaintiff's filing, it is apparent that he does not intend to pay the filing fee
16 by valid method of payment. Because plaintiff has failed to obey the court's order and pay the
17 appropriate filing fee, this case cannot proceed. Therefore, this matter will be dismissed. *See*
18 *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260–61 (9th Cir. 1992).

19 Accordingly,

- 20 1. This action is dismissed, without prejudice, due to plaintiff's failure to comply with the
21 court's order of August 6, 2020, (Doc. No. 10), and his failure to pay the required filing
22 fee; and
- 23 2. The Clerk of the Court is directed to terminate all pending motions and deadlines and
24 close this action.

25 IT IS SO ORDERED.

26 Dated: October 13, 2020

27 
UNITED STATES DISTRICT JUDGE